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APR 22 2002 #4/18

Docket No.: PF112PID2

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of: Rosen et al.

Application No.: 10/023,584

Group Art Unit: 1647

Filed: December 21, 2001

Examiner: Not Yet Assigned

For: Vascular Endothelial Growth Factor 2**THIRD SUPPLEMENTAL
INFORMATION DISCLOSURE STATEMENT**Commissioner for Patents
Washington, DC 20231

Dear Sir:

In accordance with the duty of disclosure imposed by 37 C.F.R. § 1.56 to inform the Patent and Trademark Office of all references coming to the attention of each individual associated with the filing or prosecution of the subject application, which are or may be material to the patentability of a claim of the subject application, Attorneys for Applicants hereby direct the Examiner's attention to the Statutory Declarations and accompanying appendices and exhibits as follows:

- (a) Statutory Declaration of Susan Power, executed on March 22, 2002, and accompanying Appendices I to IV;
- (b) Statutory Declaration of Nicholas Kim Hayward, executed on March 26, 2002;
- (c) Statutory Declaration of Stuart A. Aaronson, executed on March 22, 2002, and accompanying Appendices I to III; and
- (d) Statutory Declaration of Gary Baxter Cox, executed on March 22, 2002, and accompanying Exhibit GBC-24 (which is a copy of a Statutory Declaration by Peter Adrian Walters dated October 26, 2001 together with Exhibit 1 served in opposition by Ludwig Institute for Cancer Research against Australian Patent Application 710696 in the name of Genentech, Inc.).

The above-listed declarations and accompanying appendices and exhibits were filed by Applicants in connection with an opposition to an Australian application that essentially corresponds to the U.S. priority application in this case. A copy

of the above-listed Declarations and accompanying appendices and exhibits thereto, are enclosed.

The above information is presented so that the Patent and Trademark Office can determine any materiality thereof to the claimed invention. See 37 CFR 1.104(a) concerning the PTO duty to consider and use any such information. It is respectfully requested that the information be considered during the prosecution of this application.

Identification of the listed reference(s) is not to be construed an admission of any individual associated with the filing or prosecution of the subject application that such references are available as "prior art" against the subject application. Furthermore, Applicants do not waive any rights to appropriate action to establish patentability over any of the listed documents should they be applied as references against the claims of the subject application.

Applicants respectfully request that the Examiner acknowledge receipt of the enclosed Declarations and appendices and exhibits attached thereto, in the file of the instant application.

Pursuant to 37 C.F.R. § 1.97(b), since this information disclosure statement is being filed before the mailing date of a first Office Action on the merits, no fee is due in connection herewith. However, should the Patent Office determine otherwise, please charge the required fee to Human Genome Sciences, Inc., deposit account no. 08-3425. A Fee Transmittal is also enclosed.

Dated: April 18, 2002

Respectfully submitted,

By 
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Enclosures
MMW/AKR/lcc